

From: Eaton, Harry A.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Anti-trust settlement.

There does not appear to be anything within the settlement that "denies to the defendant the fruits of its statutory violation" as required by the Court of Appeals.

There are also a great many technical terms within the proposed agreement that are not defined, and others that are too narrowly defined, leaving the door wide open for interpretations that would render the settlement meaningless. Bill Gates' own deposition showed an amazing willingness to stretch the meaning of ordinary language beyond all reasonable comprehension. Please review his video deposition while thinking about what he might think the language of the settlement means to him. The bundling of Internet Explorer into Windows seemed to me to twist the meaning of the terms in the original consent decree, and the Justice Department thought so too.

The proposed settlement does very little to actually lower the barrier to competition and nothing to penalize the company for its misconduct. No doubt, Microsoft has already reaped billions of dollars additional revenue due to their illegal conduct, and the resulting additional strength of their monopoly position from their illegal conduct will not be diminished by the proposed settlement. It appears to be a sweetheart deal given to an un-repentant corporation that knowingly engaged in criminal conduct. There is also very little likelihood that Microsoft's future behavior will actually conform to what the Justice department thinks it is agreeing to. I expect that there will be endless litigation about the meaning of terms like "middle ware", just as all ordinary terms like "bundled", "integrated" etc. were disputed in the trial court. Minor modification to the proposed settlement will do little to fix its problems. It must be scrapped in favor of one that will actually serve to increase competition in the marketplace and really deprive Microsoft of the fruits of its illegal conduct.

Sincerely,

Harry Eaton
6697 Buttonhole Court
Columbia, MD 21044